

EXHIBIT

A

Michael Hanna x8310

From: Kathleen L. Bogas <kbogas@kbogaslaw.com>
Sent: Friday, November 19, 2021 4:31 PM
To: Michael Hanna x8310; Ronald G. Acho <racho@cnda-law.com> (racho@cnda-law.com)
Subject: 10638776 Guy, Justin vs. Absopure Water Company, LLC.: *EXT* Guy v Absopure

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We worked hard this week and made great progress. Below is a summary of what the parties agreed to and what is still under consideration. You should have received the letter I wrote to Judge Goldsmith today.

At the outset, there is a disagreement regarding how many truck drivers there are who primarily drive trucks and do deliveries. I have been told by Mr. Hanna that, based on written documents and job postings there are more than the two we have been discussing. Mr. Acho avers that there are only two and that the other postings are generic positions but that all have the same title, with the exception that some are trainees and others are not. I have therefore asked Mr. Acho, and he agreed, to provide an affidavit from Absopure stating that there are only two such positions.

Issue No. 1: General Objections

Defendant agrees to remove the general objections to the responses. However, Defendant may assert objections to specific discovery requests as it already had.

Issue No. 2: Privilege Log

This is an open issue. I am still working on this.

Issue No. 3: Complying with FRCP 34 (b)(2)(C)

Defendant agrees to state if any responsive materials are being withheld on the basis of an objection.

Issue No. 4: Over breadth

There is nothing to consider here.

Issue No. 5: Complying with FRCP 33(d)

Defendant agrees to identify Bate stamp numbers responsive to the request.

Issue No. 6: Electronic Discovery

RFP No. 1 – Defendant will provide information for five years. He will consider the documents which involve attorney/client communications.

Issue No. 7: Discovery concerning the putative class of “Truck Drivers”

See my statement above regarding affidavit. Defendant will again inquire of his client if there are any other positions which primarily drive and deliver and if not provide an affidavit regarding same.

RFP No. 4: Defendant will provide for those positions which are primarily truck drivers/delivery employees.

RFP No. 5: Defendant will produce.

RFP No. 8: Defendant will rely on its answer that no other documents exist other than those provided.

RFP No. 9: Defendant will rely on its answer but will Bate stamp those documents.

Int. No. 6: See above statement regarding affidavit.

Int. No. 7: See above statement regarding affidavit.

Issue No. 8: Discovery Concerning Organization Chart and Corporate Structure

RFP No. 11: There is no need for Defendant to supplement its response.

RFP No. 20: Defendant will supplement from 10-8-2017 to present

Issue No. 9: ID of Vehicle P and Putative Class Drove

RFP No. 22: Defendant will not supplement its answer.

Issue No. 10: Discovery Concerning Existence of a fixed and persistent intent

The parties have agreed and will put it in writing that the answers will be limited to Mountain Valley Spring Water, since this is the majority of the product Plaintiff delivered.

RFP No. 32: see statement above; Defendant will supplement

Int. No. 4: same

RFP No. 33: same

RFP No. 35: same

RFP No. 36: same

RFP No. 37: same

RFP No. 38: This inquiry will be held in abeyance until certification is decided by the Court

RFP No. 39: see statement above regarding water; Defendant will supplement

RFP No. 40: same

RFP No. 41: same

RFP No. 42: same

RFP No. 43: same and a sampling is sufficient

RFP No. 44: same and a sampling is sufficient

RFP No. 45: same and a sampling is sufficient

RFP No. 46: same and a sampling is sufficient

RFP No. 47: same and a sampling is sufficient

Issue No. 11: Indefinite Storage

RFP No. 48: limited to water and Defendant will supplement

Int. No 5: same

RFP No. 49: same

RFP No. 50: same

Issue No. 12: Good Faith Affirmative Defense

RFP No. 51: Defendant will supplement

RFP No. 52: Defendant will supplement

RFP No. 53: Defendant will supplement

RFP No. 54: Defendant will supplement

RFP No. 55: Defendant will supplement

RFP No. 56: Defendant will supplement

RFP No. 57: Defendant will supplement

RFP No. 65: Defendant will supplement

ROA No. 1: Defendant will supplement

ROA No. 2: Defendant will supplement

ROA No. 5: Defendant will supplement

Int. No. 15: Defendant will supplement

Issue No. 12: Prior FLSA Lawsuits and Investigation

RFP No. 59: Defendant will supplement

RFP No. 60: Defendant will supplement

RFP No. 61: Defendant will supplement

RFP No. 62: Defendant will supplement

Issue No. 14: Contact information for putative class members

Int. No. 1: Defendant will review response provided for accuracy.

Issue No. 15: Disclosure of relevant supervisors

Int. No. 2: Defendant will supplement

Int. No. 14: Defendant will supplement

Issue No. 16: Request for Fees

Not considered; I will not recommend imposition of fees

Please review. If you have any questions or comments please let me know.

Have a good weekend and a Happy Thanksgiving!

Kathy

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